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4 **BRANDON | SMERBER LAW FIRM**

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99 CENTS ONLY STORES LLC

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

12 MARIA ANTONIETA ESCOBAR-RIVERA, an
13 individual,

14 Plaintiff,

15 vs.

16 99 CENTS ONLY STORES, LLC a foreign
17 corporation; DOES I through X; and ROE
18 ENTITIES I through X,

19 Defendants.

CASE NO.: 2:22-cv-01705-CDS-EJY

STIPULATION TO EXTEND DISCOVERY
PLAN AND SCHEDULING ORDER
(THIRD REQUEST)

20 Plaintiff, MARIA ANTONIETA ESCOBAR-RIVERA, by and through her attorneys, DAVID A.
21 TANNER, ESQ. of TANNER LAW FIRM, and Defendant, 99 CENTS ONLY STORES LLC, by and
22 through its attorneys, LEW BRANDON, JR., ESQ., JEFFREY J. ORR, ESQ. and JUSTIN PASQUALE,
23 ESQ. of BRANDON | SMERBER LAW FIRM, stipulate and agree that the discovery schedule be extended
24 pursuant to LR 26-3.

25 **I. Discovery Conducted to Date (LR 26-4(a)):**

26 Both parties have submitted their initial FRCP 26.1 disclosures. Both parties have served written
27 discovery requests and received responses thereto. Plaintiff's deposition was completed on March 30, 2023
28 and April 18, 2023. Defendant has received medical authorizations from Plaintiff to independently obtain

copies of Plaintiff's medical records. Deposition of Defendant's employee, Astrid Marroquin was completed on April 13, 2023. Plaintiff's liability expert conducted a site inspection of the premises on May 15, 2023. On May 31, 2023, Plaintiff took the FRCP 30(b)(6) deposition of Defendant. On July 20, 2023, the parties made initial expert disclosures. Since then, both parties have supplemented their expert disclosures.

II. Discovery to be Conducted (LR 26-4(b)):

1. Expert depositions; and
2. Medical provider depositions.

III. The Reasons the Remaining Discovery Cannot Be Completed within the Time Limits Set by the Discovery Plan (LR 26-4(c)):

The only remaining discovery is expert and possibly medical provider depositions. The parties recently became aware that they are unable to complete expert depositions prior to the discovery cut off date of September 21, 2023. This is due to the schedules of the experts. This stipulation is being submitted less than 21 days prior to the expiration of the discovery cut off. Pursuant to Local Rule 26-3, good cause exists to continue the discovery cut off date as the parties just recently became aware that the September 21, 2023 is not feasible given that Defendant disclosed four experts while Plaintiff disclosed two experts all of which need to be deposed.

IV. New Schedule for Completing All Remaining Discovery (LR 26-4(d)):

The current discovery deadlines are as follows:

- | | |
|---|---------------------|
| 1. Amend Pleadings and Add Parties (LR 26-1(b)(2)): | Closed. |
| 2. Initial Expert Disclosures (LR 26-1(b)(3)): | Closed |
| 3. Rebuttal Expert Disclosures (LR 26-1(b)(3)): | Closed |
| 4. Dispositive Motions (LR 26-1(b)(4)): | October 19, 2023. |
| 5. Discovery Cutoff (LR 26-1(b)(1)): | September 21, 2023. |

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The parties propose extending all discovery deadlines by sixty (60) days as follows:

- | | |
|---|--------------------|
| 1. Amend Pleadings and Add Parties (LR 26-1(b)(2)): | Closed. |
| 2. Initial Expert Disclosures (LR 26-1(b)(3)): | Closed |
| 3. Rebuttal Expert Disclosures (LR 26-1(b)(3)): | Closed |
| 4. Dispositive Motions (LR 26-1(b)(4)): | December 19, 2023. |
| 5. Discovery Cutoff (LR 26-1(b)(1)): | November 21, 2023. |

DATED this 1st day of September 2023.

DATED this 1st day of September 2023.

TANNER LAW FIRM

BRANDON | SMERBER LAW FIRM

/s/ David A. Tanner, Esq.

DAVID A. TANNER, ESQ.

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Attorney for Plaintiff

MARIA ANTONIETA ESCOBAR-RIVERA

/s/ Jeffrey J. Orr, Esq.

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JUSTIN M. PASQUALE, ESQ.

Nevada Bar No.: 15079

139 E. Warm Springs Rd.

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Attorneys for Defendant,

99 CENTS ONLY STORES LLC

ORDER

IT IS SO ORDERED

Dated this 2nd day of September 2023.


UNITED STATES MAGISTRATE JUDGE